

Remarks:

Applicant has carefully studied the non-final Examiner's Action mailed 11/27/2009, having a shortened statutory period for response set to expire 02/27/2010. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicant responds to the outstanding Action by centered headings and numbering that correspond to the centered headings and numbering employed by the Office to ensure full response on the merits to each finding of the Office.

Continued Examination Under 37 CFR 1.114

1. Applicant thanks the Office for entering the Request for Continued Examination.
2. Applicant thanks the Office for acknowledgement of applicant's amendment filed 10/05/2009.

Claim Rejection - 35 U.S.C. § 102

3. Claims 6, 12-14, and 16-17 stand rejected under 35 U.S.C. § 102(b), as being anticipated by Pharo (US 4,793,123). Applicants respectfully traverse the rejections because Pharo does not teach all of the elements of independent claim 6, as currently amended. Specifically, Pharo does not teach the inflatable bladder being affixed within the box, nor does Pharo teach the package being engulfed by the inflatable bladder.

As stated in the abstract, and clearly shown in FIGS. 1 and 3-5, Pharo teaches a "roll-up bag generally assuming a spiral configuration[.]" When using Pharo, an article is placed in a bag and the bag is rolled up around the article and then placed in a box. After placing the bag in the box, the user has to make sure that the filling stem 16 of the bag properly extends through the slot-like opening 17 on the side of the box. In Pharo, if the bag is not rolled up properly, the bag may not fit into the box, requiring the user to unroll the bag and try again and again. Pharo is a convoluted device that requires several steps to package an article and requires several separate pieces. In sharp contrast, the claimed invention, as currently amended, clearly states that the inflatable bladder is "affixed within said hollow interior of said box[.]" By having the inflatable bladder affixed within the box, a user does not have to roll the article in the bladder and does not

have to worry about properly aligning the filling stem or making sure the inflatable bladder fits within the box. In the claimed invention, the user has fewer steps, making packaging much simpler and efficient.

Pharo, in fact, teaches away from the efficiency and simplicity of the claimed invention. It would be impossible for the bag in Pharo to be attached within the box because the bag must first be rolled around the article. If the bag in Pharo were affixed within the box, the user would be unable to roll the bag around the article. Similarly, if, after rolling the bag around the article, the bag were affixed within the box, a user would not be able to get the article out of the box without mutilating the bag and box.

Additionally, Pharo does not teach the package being engulfed by the inflatable bladder. As stated above, when using Pharo, an article is placed in a bag and the bag is rolled up around the article and then placed in a box. As clearly shown in FIG. 1 of Pharo, the peripheral edges of the article are not protected due to the geometry of the rolled up bag. In sharp contrast, the claimed invention, as currently amended, and shown in FIGS. 3, 5, 6, and 10, engulfs the entire article and protects it during shipping.

Accordingly, Applicant requests favorable reconsideration and withdrawal of the rejections on these grounds.

Moreover, because claims 12-14 and 16-17, depend from allowable claim 6, as currently amended, Applicant requests favorable reconsideration and withdrawal of the rejections on these grounds.

Claim Rejections – 35 USC § 103

4. Claims 7, 15, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pharo in view of Huza et al. (US 5,454,407). Applicant respectfully traverses the rejections because the combination of Pharo and Huza does not teach all of the elements of independent claim 6, as currently amended. As discussed above, because claims 7, 15, and 18 depend from allowable claim 6, as currently amended, Applicant requests favorable reconsideration and withdrawal of the rejections on these grounds.

Response to Arguments

5. Applicant acknowledges that the arguments in the prior amendment with respect to claims 6-7 and 12-18 have been considered but are moot in view of the new grounds of rejection.

Conclusion

6. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (813) 925-8505 is requested.

Very respectfully,
SMITH & HOPEN

Dated: February 24, 2010
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CERTIFICATE OF ELECTRONIC TRANSMISSION

(37 C.F.R. § 1.8)

I HEREBY CERTIFY that this correspondence is being electronically transmitted to the Patent and Trademark Office through EFS Web on February 24, 2010.

Date: February 24, 2010

/peggy c samuel/
Peggy C. Samuel